



County of Los Angeles CHIEF EXECUTIVE OFFICE

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March 28, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to Oppose AB 2030 (Campos).** This measure would require employers to allow parents, grandparents and guardians to take time off, up to 40 hours each year, to participate in school activities without loss of pay, and without the current requirements to use existing vacation time, personal leave, compensatory time off, or time off without pay as available. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors, **the Sacramento advocates will oppose AB 2030.**
- **Status of Legislation of County Interest**
 - **AB 2325 (Pérez).** This measure would require the California Department of Health Care Services to establish the Medi-Cal Patient-Centered Communication Program to provide and reimburse medical interpretation services for Medi-Cal beneficiaries who are limited English proficient.

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- **SB 935 (Leno).** This measure, which would increase the minimum wage to \$11 an hour on January 1, 2015, to \$12 an hour on January 1, 2016, and to \$13 an hour on January 1, 2017, passed the Senate Labor and Industrial Relations Committee on March 26, 2014.

Pursuit of County Position on Legislation

AB 2030 (Campos), which as introduced on February 20, 2014, would require employers to allow parents, grandparents and guardians to take time off, up to 40 hours each year, to participate in school activities without loss of pay, and without the current requirements to use existing vacation time, personal leave, compensatory time off, or time off without pay as available.

The Family School Partnership Act prohibits employers of 25 or more employees from discharging or discriminating against an employee who is a parent, grandparent, or guardian of a child in a licensed child day care facility or in grades K through 12 for taking off up to 40 hours each year in order to participate in school activities. Current law requires that for these planned absences, employees use existing vacation, personal leave, or compensatory time off, or time off without pay to the extent made available by his or her employer.

AB 2030 would expand Family School Partnership Act benefits to instead require that employers allow parents, grandparents, and guardians of children in grade 12 and below to take up to 40 hours of time off each year to participate in school activities without loss of pay. Under this bill, employees would no longer be required to use existing vacation, personal leave, or compensatory time off for this purpose, unless otherwise provided by a collective bargaining agreement entered into before, and in effect on, January 1, 2015. In addition, AB 2030 states that employees cannot be required to take time off without pay for these purposes.

The Chief Executive Office Benefits and Compensation Section reports that the County already provides its employees paid leave benefits that can be used to participate in school activities and for other personal needs. For example, a covered employee with at least five years County tenure receives an average of 216 hours full time paid leave benefits a year. This averages out to 18 hours a month available to the employee to use for personal needs. Under certain circumstances, the County allows employees the ability to use authorized time off without pay for personal and familial

purposes. The CEO Benefits and Compensation Section indicates that the mandated, additional paid leave benefits proposed under AB 2030 would significantly increase County overtime costs and staff resources used to address increased service interruptions and reductions.

This office recommends an oppose position on AB 2030. Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors, **the Sacramento advocates will oppose AB 2030.**

AB 2030 is opposed by the California State Association of Counties. There is no registered support on file. The bill is scheduled to be heard in the Assembly Labor and Employment Committee on April 23, 2014.

Status of Legislation of County Interest

AB 2325 (Pérez), which as introduced on February 21, 2014, would require the California Department of Health Care Services (DHCS) to establish the Medi-Cal Patient-Centered Communication Program (CommuniCal) to provide and reimburse medical interpretation services for Medi-Cal beneficiaries who are limited English proficient (LEP).

The Affordable Care Act provides an enhanced Federal Medicaid match of up to 75 percent for administrative expenditures related to translation and interpreter services in connection with the enrollment, retention and use of services under Medicaid. AB 2325 would require the State to pursue all available sources of Federal funding to establish and operate the CommuniCal program and to seek any Federal approvals necessary to establish this program.

AB 2325 would require DHCS to certify CommuniCal Medi-Cal interpreters and to develop, monitor, and evaluate competency, qualifications, training, certification, and continuing education for the interpreters. This measure also would establish the Community Advisory Committee, consisting of: government agencies; health care providers; LEP consumers; health care or language access advocates; medical interpreters; or any other experts deemed appropriate to assist DHCS in the above-described tasks.

CommuniCal applicants would be charged a fee to take DHCS-administered examinations. Once certified, interpreters would be required to pay an annual recertification fee and a fee to be listed on the registry. In addition, CommuniCal interpreters would be granted the right to select an exclusive labor organization to

collectively bargain with the State on various matters including setting reimbursement rates for State-funded medical interpreter programs. CommuniCal interpreters would be independent contractors and would not be considered State employees.

AB 2325 is identical to AB 1263 (Pérez) of 2013 which was vetoed by Governor Brown on October 13, 2013. In his veto message, the Governor noted that the State had embarked on an unprecedented expansion to add more than one million people to the Medi-Cal Program and explained that given the challenges and unknowns the State faces, it would be unwise to introduce another complex element to this effort.

This office reported on AB 1263 in the July 31, 2013 and August 20, 2013 Sacramento Updates. As introduced, the provisions in AB 2325 are identical to those in AB 1263 which are reflected in the analysis below.

The Department of Health Services (DHS) notes that existing State and Federal law and all Healthcare Accreditation agencies require health care providers to offer interpreter services for certain persons with limited English proficiency. All DHS hospitals, multi-service ambulatory care centers and comprehensive health center facilities offer interpreter services to LEP patients. In FY 2011-12, DHS provided over 1.3 million LEP patient visits representing 53 percent of the total patient visits for that year. According to DHS' patient utilization data, over 86 languages were spoken by patients with limited English proficiency.

The Department of Health Services provides medical interpretation services through 18 Healthcare Interpreters physically stationed at the Language and Culture Service Centers within the four DHS hospitals and the Martin Luther King, Jr. Multi-Service Ambulatory Care Center. Each staff is equipped with a "Video Medical Interpretation (VMI)" unit that is placed in front of them. The VMI utilizes state-of-the-art video and phone equipment technology along with an automated call-routing system. The system creates a virtual or remote call center at each hospital site. When there is a need for service, hospital staff/clinicians make the request by dialing the VMI phone number. The requests are routed to the Healthcare Interpreters who speak the requested language, via the VMI. This service is available during regular business hours, and is not available during weekends. The Healthcare Interpreters are reimbursed at an hourly rate of approximately \$32.11 (salary and benefits). Costs are covered as net County cost. In addition to the Healthcare Interpreters, over 2,700 DHS multi-lingual/cultural staff/clinicians who earn a bi-lingual bonus, provide interpreter service support. When interpreter services are requested after regular business hours

and/or during weekends, requests are automatically routed to DHS' telephonic interpreter service vendor. This service is available 24 hours per day, 7 days per week. DHS reports that it uses 580 to 660 hours of telephonic interpreter service request per month.

The Chief Executive Office Employee Relations Branch (CEO-ER) indicates that AB 2325 does not clearly address the use of the CommuniCal Program by Medi-Cal providers and beneficiaries in the County. CEO-ER notes that the County already has a classification of Healthcare Interpreters used by the Departments of Health Services, Public Health, Mental Health and the Sheriff's Department to provide medical interpreter services similar to those proposed in CommuniCal. CEO-ER also reports that AB 2325 could create unintentional operational conflicts with the County's medical interpreters. For example, it is unclear whether, or to what extent, a patient served by a County health facility may request the services of a CommuniCal interpreter, nor does the bill specify whether a Medi-Cal patient would have the option or the right to choose this service in lieu of a County interpreter, or to what extent a CommuniCal interpreter would coordinate client care with Healthcare Interpreters and other County staff. CEO-ER concludes that without defined parameters, AB 2325 could create confusion regarding the duties, rights, responsibilities, and overall role of the County's Healthcare Interpreters.

This office and County Counsel note that it is unclear whether hospitals or other providers could continue to use existing non-certified staff to provide medical interpretation services to Medi-Cal patients, or if AB 2325 would require all interpreters providing services to Medi-Cal beneficiaries to be certified. Additionally, the existence of certified staff may create a standard of care that could potentially create liability for the County if it does not provide certified translators and a translation/interpretation error results in patient harm.

Currently, there is no registered support or opposition on file for AB 2325; however, AB 1263 of 2013 was sponsored by the American Federation of State, County and Municipal Employees, AFL-CIO, and supported by numerous community based organizations and labor entities including: Health Access California; California Immigrant Policy Center; Coalition for the Human Rights of Immigrants, Los Angeles; Latino Coalition for a Healthy California; Los Angeles County Federation of Labor; National Association of Social Workers, California Chapter; Planned Parenthood Affiliates of CA; and St. John's Wellness Center, Los Angeles; and others. AB 1263 was opposed by the California Department of Finance.

AB 2325 is scheduled for a hearing in the Assembly Health Committee on April 8, 2014.

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SB 935 (Leno), which as amended on March 18, 2014, would increase the minimum wage to \$11 an hour on January 1, 2015; to \$12 an hour on January 1, 2016; to \$13 an hour on January 1, 2017; and thereafter, adjusts it annually based on inflation, passed the Senate Labor and Industrial Relations Committee by a vote of 3 to 1 on March 26, 2014. This measure now proceeds to the Senate Appropriations Committee.

This office will continue to monitor SB 935 and will work with appropriate departments to determine the potential impact to the County.

We will continue to keep you advised.

WTF:RA
MR:KA:IGEA:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants